

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BRITISH TELECOMMUNICATIONS PLC
and BT AMERICAS, INC.,

Plaintiffs,

V.

PALO ALTO NETWORKS, INC.,

Defendant.

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C. A. No. 22-1538-CJB

JURY TRIAL DEMANDED

**DECLARATION OF PETER RATCLIFFE
IN OPPOSITION TO DEFENDANT'S MOTION TO TRANSFER VENUE**

I, Peter Anthony Ratcliffe, declare as follows:

1. I am a practicing Solicitor in England and Wales and admitted to the New York Bar. I am currently the Legal Director of IP at British Telecommunications plc ("BT plc") with responsibilities for all Intellectual Property matters throughout the entire BT group of companies. BT plc shares the same ultimate parent as BT Americas ("BT Americas") (together with BT plc, "BT"). I respectfully submit this declaration in support of BT's opposition to Defendant's Motion to Transfer. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.
2. BT has exclusively brought its federal complaints for patent infringement in the District of Delaware for over a decade. For example, BT previously litigated both United States Patent Nos. 7,159,237 and 7,895,641 in the District of Delaware in *BT Plc and BT Americas v. Fortinet, Inc.*, No. CV 1:18-01018 (D. Del., filed July 10, 2018) ("Fortinet Litigation").
3. As a result of BT's long track record of litigating its patents in the District of Delaware, BT is familiar with litigating in this District and experiences benefits and efficiencies in

litigating in this District. For example, BT is familiar with estimating the costs and timing of litigation in Delaware. BT has an office in New York, which is used to support its patent litigations in Delaware. BT also has established the same local counsel in Delaware for over a decade and so is both familiar with and reliant on their services. Because BT has exclusively brought its patent infringement federal complaints in the District of Delaware for over a decade, it is not efficient or convenient for BT to litigate in any other state.

4. BT Americas' main office is based in Dallas, Texas but also has an office in New York at 640 8th Ave, New York, NY 10036. This New York office is used to support BT's patent litigations in Delaware. BT has no offices in California.
5. In 2006, BT Group plc acquired Counterpane Internet Security, Inc. ("Counterpane"), which was ultimately merged into BT Americas in 2011. Two of the few remaining employees from Counterpane who are still employed with BT Americas reside on the East Coast. Both are knowledgeable about the history of Counterpane's patented product, were identified in BT's initial disclosures in the Fortinet Litigation, and live far closer to Delaware than to California:
 - a. JP Vossen resides in Pennsylvania
 - b. Ross Abdo resides in Maryland.
6. BT plc is based in the United Kingdom. BT's in-house counsel who are supervising this action are employed by BT plc and reside and work in the United Kingdom. For these individuals, litigation in Delaware would be more convenient than litigation in California because Delaware is closer to the United Kingdom than California. Travel to Delaware is more convenient and travel times are shorter for BT's in-house counsel. The time zone difference between the United Kingdom and Delaware is less than the time difference

between Delaware and California. This makes it easier for BT to coordinate with its colleagues in the United Kingdom while in Delaware. Moreover, BT has an office in NY, which is often used as a secondary base of operations for its patent litigations in Delaware.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 17th day of March, 2023, in Burgess Hill, West Sussex, United Kingdom.

A handwritten signature in black ink, appearing to read 'Peter Anthony Ratcliffe', written over a horizontal line.

Peter Anthony Ratcliffe